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(Egyptian)

NOTES ON THE EGYPTIAN SITUATION

1. Facts Regarding the Status of the Sudan.

A. Egyptian Position.

On October 16, 1951, the Egyptian Parliament passed the following laws affecting the Sudan:

(1) Abrogating the 1899 Condominium Agreements and the 1936 Treaty;

(2) Establishing the King's title as "King of Egypt and the Sudan", and "although Egypt and the Sudan form a single unit", authorizing the definition by a special law of the status of the Sudan:

(3) Declaring that the Sudan should have a special constitution prepared by a Constituent Assembly representing the people of the Sudan and guaranteeing certain specified principles.

Thus, no constitution for the Sudan exists and none can come into effect until it has been prepared by a Constituent Assembly and approved by the King. There is no evidence that the Egyptian Government has taken or plans to take steps to form a Constituent Assembly to draft the Constitution. The only active steps taken so far by Egypt on the Sudan have been formal announcements of abrogation and the King's new title. They have not, for example, even gone through the motions of dismissing the Governor-General.

NOTE:
In connection with the above three laws, it should be noted that Article V of the 1899 Condominium Agreement provides that no Egyptian law shall apply to the Sudan unless it has been proclaimed by the Governor-General. Therefore, the Egyptian laws have no effect in the Sudan as long as the 1899 Condominium Agreement is valid and its abrogation by Egypt ineffective.

DEPARTMENT OF STATE A/CDC/MR
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B. British

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B. British Position.

The British consider the 1899 Agreements still valid. They apparently believe that recognition of the King's title would alter the legal status of the Sudan. In this connection, Egypt might claim that the UK had by this act accepted the abrogation of the 1899 agreements and "permanent unity" between Egypt and the Sudan.

Note:
It can be argued that the Egyptian King's claim to being King of the Sudan arises from the situation existing prior to the Condominium Agreement of 1899 and that his claim to that title, such as it is, was not cut off by the 1899 agreement even though it has not been formally recognized by the British in the past. It can therefore be argued that UK recognition now of the right of the King of Egypt to use the title "King of the Sudan" does not imply acceptance of the abrogation of the Condominium Agreement.

Ideally it would be desirable if the Egyptians could be persuaded to revoke their unilateral attempt at abrogation of the Condominium Agreement, or enter into a new agreement, simultaneously with UK recognition of the King's right to use the title. Neither of these alternatives however appears to be politically practicable under present conditions in Egypt. What we are suggesting, therefore, is that the UK recognize the title in such a way as to maintain in full the UK's position that the Condominium Agreement is still valid and to secure an agreement from the Egyptians that the administration of the Sudan be continued as at present, pending a plebiscite or referendum on self determination by the Sudanese.

III. Our Suggested Course of Action Regarding the Anglo-Egyptian Situation.

We propose that the United States and the United Kingdom (and also France and Turkey) agree on a substantive move towards Egypt which might break the present

impasse. When such agreement has been reached, we then propose that it be discussed privately with King Farouk and such other Egyptian leaders as he may designate in order to determine whether such a move would result in settlement of the present deadlock. It is not proposed that any public action on a move be taken until and unless private assurances are received from Egypt that the entire proposal will be accepted and implemented.

Our proposal on a substantive move is that we recognize Farouk's title as "King of the Sudan" on the conditions that Egypt would agree (1) to self-determination by the Sudanese at an early date, (2) not to upset the status quo of the administration of the Sudan, and (3) to accept the Four Power Defense proposals recast in a form to make them more comprehensible and acceptable to Egypt.

If it would be of assistance to the United Kingdom in connection with the title "King of the Sudan", an advisory opinion by the International Court of Justice confirming Farouk's right to that title might be sought and might then be the basis for recognition by the Western powers.

With respect to self-determination, it would be necessary for the United Kingdom and Egypt, probably with mutually acceptable neutral assistance or some other mutually agreeable arrangement under United Nations aegis, to work out a method for carrying out a plebiscite or referendum.

It should be emphasized that the formal implementation of the above move would depend on (a) Four Power Agreement, and (b) informal and prior assurances from Egypt that it would accept such a move in toto.